

HOUSE No. 1120

By Ms. L'Italien of Andover, petition of Michael E. Festa and others relative to the humane treatment of disabled persons. Education.

The Commonwealth of Massachusetts

PETITION OF:

Michael E. Festa James R. Miceli
Barbara A. L'Italien

In the Year Two Thousand and Five.

AN ACT TO ENSURE THE HUMANE TREATMENT OF DISABLED PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 16 of Chapter 6A of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by adding at the end
3 thereof the following text:—

4 “Disabled citizens, as all other citizens of the Commonwealth,
5 are entitled to equal protection under Article CXIV of the Massa-
6 chusetts Constitution, which prohibits discrimination on the basis
7 of handicap, and the full protection of the laws of the Common-
8 wealth, which prohibit the use of corporal punishment on school
9 children and prisoners.

10 No program funded, operated, licensed, or approved by any
11 agency or subdivision of the Commonwealth shall administer to
12 any person with a physical or mental disability any procedure
13 which causes obvious signs of physical pain, including, but not
14 limited to, hitting, pinching, and electric shock for the purposes of
15 changing the behavior of the person.

16 No such program may employ any form of physical contact or
17 punishment that is otherwise prohibited by law, or would be pro-
18 hibited if used on a non-disabled person.

19 No such program may employ any procedure which denies a
20 person with a physical or mental disability adequate sleep, food,
21 shelter, bedding or bathroom facilities.”

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